

COMMONWEALTH OF VIRGINIA  
STATE AIR POLLUTION CONTROL BOARD  
REGULATIONS FOR THE CONTROL AND ABATEMENT OF AIR POLLUTION

9 VAC 5 CHAPTER 40.  
EXISTING STATIONARY SOURCES.

PART II.  
Emission Standards.

ARTICLE 2.  
Emission Standards for Odor (Rule 4-2).

- 9 VAC 5-40-130. Applicability and designation of affected facility.
- 9 VAC 5-40-140. Standard for odor.
- 9 VAC 5-40-150. Determination of violation.

9 VAC 5-40-130. Applicability and designation of affected facility.

A. Except as provided in subsection C of this section, the affected facility to which the provisions of this article apply is each facility that emits odor.

B. The provisions of this article apply throughout the Commonwealth of Virginia.

C. The provisions of this article do not apply to accidental or other infrequent emissions of odors.

9 VAC 5-40-140. Standard for odor.

No owner or other person shall cause or permit to be discharged into the atmosphere from any affected facility any emissions which cause an odor objectionable to individuals of ordinary sensibility.

9 VAC 5-40-150. Determination of violation.

A. The determination of objectionable odor shall be made after a thorough review of all data or evidence relating to the situation which may be obtained by an investigation directed by the board. As a part of the investigation, the board, at its discretion, may hold a public hearing in accordance with 9 VAC 5-20-40 A 1 to hear complaints. The investigation may also include use of an odor panel survey and other methods approved by the board, or both.

B. Upon determination that an odor violates 9 VAC 5-40-140 the owner shall use such measures as approved by the board for the economically and technologically feasible control of odorous emissions.

HISTORICAL NOTES:

Derived from: Rule 4-2 of Part IV of VR 120-01 (§ 120-04-0201 through § 120-04-0204)

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